

Pro Se 1 (Rev. 09/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the
Eastern District of Virginia

FILED

OCT - 7 2016

CLERK, US DISTRICT COURT
NORFOLK, VA

Zenobia Wise-Senior

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Anthem Inc., The Anthem Companies, Amerigroup and
Anthem Company

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

2:16 cv 595
(to be filled in by the Clerk's Office)

Jury Trial: (check one)

☒ Yes☐ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Zenobia Wise-Senior
Street Address	4508 Barkingdale Drive
City and County	Virginia Beach
State and Zip Code	Virginia 23462
Telephone Number	757.214.4501
E-mail Address	zenobiawise@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name	Anthem Inc., The Anthem Companies
Job or Title <i>(if known)</i>	
Street Address	120 Monument Circle
City and County	Indianapolis
State and Zip Code	Indiana 46204
Telephone Number	317.532.6000
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	Amerigroup an Anthem Company
Job or Title <i>(if known)</i>	
Street Address	5800 Northampton Boulevard
City and County	Norfolk
State and Zip Code	Virginia 23502
Telephone Number	757.459.8031
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

1. Section 827 and/or section 828 of the 2013 National Defense Authorization Act ("NDAA"), 10 U.S.C. § 2409 et. seq. 41 U.S.C.A. § 4712 et. seq.
2. Anti-retaliation provisions of the False Claims Act, 31 U.S.C. § 3730(h), ("FCA")

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Zenobia Wise-Senior, is a citizen of the State of *(name)* Virginia.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of _____.

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(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) Anthem Inc, The Anthem Companies,, is incorporated under the laws of the State of (name) Indiana, and has its principal place of business in the State of (name) Indiana.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because *(explain)*:

1. Actual Damages - Plaintiff has suffered damages related to compensation in the form of bonuses, performance/merit increases and annual incentive plans as well as substantial legal expenses
 2. Exemplary Damages - Plaintiff has suffered what equates to a constructive discharge - adversely impacting employment status, advancement opportunities as well as current and future earnings potential.
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III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

1. Plaintiff Zenobia Wise-Senior engaged in protected activity when disclosing/escalating concerns regarding business practices of the Defendant. These concerns were escalated within the department on April 30, 2015, to human resources on May 7, 2015 and to the Defendant's compliance department on May 14, 2015. The disclosures by the plaintiff included (1.) an objection to Anthem's failure to obtain disclosure forms from each physician and its improper reuse of personal information between providers in the same practice group - practices being mandated by federal regulation 42 C.F.R. §§ 455.104-106 and (2.) concerns regarding the accuracy of information obtained from third-party verification organization, Medversant and utilization of those reports by the Defendant in the accreditation process for Medicare/Medicaid services. In response to this protected activity on behalf of the Plaintiff, Defendant, Anthem Inc., The Anthem Companies, Amerigroup an Anthem Companies and its agents/directors engaged in retaliatory actions in response to this protected activity. National Defense Authorization Act (NDAA), Section 828

2. Plaintiff, Zenobia Wise-Senior, engaged in a protected activity when raising concerns on April 30, 2015 and on May 7th and 14th of 2015 regarding Medversant, Disclosure of Ownership Form. Defendant, aware that plaintiff was engaged in a protected activity, engaged in acts of retaliation against plaintiff in response to the complaint(s) filed.

Retaliatory actions imposed upon the Plaintiff by the Defendant(its officers and agents) include but are not limited to:

Violations Related to the Civil Rights – 1. The Plaintiff, an African-American female, was subjected to a violation of civil rights afforded under Title VII of the Civil Rights Act of 1964 when Anthem Inc. (its officers and agent, Amy Martinez) engaged in the discriminatory practice of isolating/segregating the plaintiff from the employee population – an act imposed (in a separate and unrelated instance) upon another African American female employee which resulted in a complaint with and intervention by the Equal Employment Opportunity Commission (EEOC). Plaintiff was subjected to defamation of character as a result of these actions. 2. Plaintiff was subjected to physical/sexual harassment on August 2, 2016 when a co-worker behaved in a sexually aggressive/suggestive manner during a team meeting attended by Defendant's agent (Manager Valerie Lewis). Plaintiff immediately expressed concern to Manager, Valerie Lewis. Plaintiff then shared concerns with Human Resources [August 11, 2016] and again in separate meeting with Human Resources and Valerie Lewis [August, 22, 2016]. Defendant/its agents failed to respond to Plaintiff's concerns – effectively accepting and condoning acts of sexual harassment in the workplace and causing the the Plaintiff to be subjected to a hostile work environment.

Violations Related to Labor/Compensation – Plaintiff was twice denied pay for services performed while in the employment of the Defendant. On June 3, 2015 Defendant's agent (Manager, Grace M. Quist) demanded that Plaintiff engage in work related activities during unpaid lunch hours. On April 18, 2016 Defendant's compliance office agents subjected Plaintiff to an unpaid after hours meeting as part of mandatory compliance with an ongoing compliance investigation.

Violations Related to FMLA – Plaintiff engaged in a protected activity when utilizing work leave covered under the provisions of FMLA. Plaintiff made timely notification that the absence in question was for FMLA puposes. Plaintiff complied with company policy by making the appropriate notation in the attendance record-keeping database. Defendant engaged in an unlawful act by charging the plaintiff for an occurrence of Unscheduled Time Off for a valid FMLA absence.

Job Reassignment – Plaintiff's job responsibilities were re-assigned on February 1, 2016 resulting in an inequitable distribution of work

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff prays for judgment as follows:

1. Determining action is proper
 2. Awarding compensatory damages sustained as a result of Defendant's wrongdoing, in an amount to be proven
 3. Awarding Plaintiff reasonable costs and expenses incurred in this action, including court costs, attorney fees and expert fees
 4. Awarding such equitable/injunctive or other further relief as the Court may deem just and proper
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V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/07/2016

Signature of Plaintiff

Printed Name of Plaintiff


Zenobia Wise-Senior

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

Pro Se 1 (Rev. 09/16) Complaint for a Civil Case

State and Zip Code

Telephone Number

E-mail Address

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
_____ DIVISION

Plaintiff(s),

v.

Civil Action Number: _____

Defendant(s).

LOCAL RULE 83.1(M) CERTIFICATION

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of ZENOBIA WISE SENIOR COMPLAINT.
(Title of Document)

ZENOBIA WISE SENIOR
Name of Pro Se Party (Print or Type)

[Signature]
Signature of Pro Se Party

Executed on: 7 OCT 2016 (Date)

OR

The following attorney(s) prepared or assisted me in preparation of _____.
(Title of Document)

(Name of Attorney)

(Address of Attorney)

(Telephone Number of Attorney)
Prepared, or assisted in the preparation of, this document

(Name of Pro Se Party (Print or Type)

Signature of Pro Se Party

Executed on: _____ (Date)